

### **Remarks**

Favorable reconsideration of this application is respectfully requested. Claim 1, 10, and 21 are amended to remove alternative language, which has been re-presented in added claims 22 and 23. Claims 11 and 20 are revised to be consistent with the changes of claims 1 and 22. New claims 24-40 are directed to an alternative embodiment removed from independent claim 1. No new matter has been added. Claims 1-3 and 10-40 are pending.

Applicants appreciate the Examiner's indication that claims 11, 12, 15, 17, 20, and 21 were allowable.

#### Claim Rejections- 35 U.S.C. § 112

Claims 1-3 and 10-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Reconsideration of the rejection is respectfully requested.

Claims 1, 10, and 21 have been rewritten to remove the alternative language from the claims. Further, added claims 22 and 23, which now include the optical component features, have been prepared to address this issue. Claims 1-3 and 10-21 are definite. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

#### Claim Rejections- 35 U.S.C. § 102

Claims 1-3, 10, 13, 14, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugaya et al. (U.S. Patent 5,602,825). Applicants respectfully traverse the rejection.

Claim 1 is directed to an optical information reproduction device including, among other features, an information recording medium that includes a recording unit having a multilayer structure of recording layers capable of recording information three-dimensionally, and from which can be reproduced information recorded on one of the recording layers through any of the other recording layer or layers.

Sugaya et al. fails to disclose or suggest the features of at least claim 1. Sugaya et al. discloses an optical disk having two recording layers. In fact, Sugaya et al. records information on the recording layers with pit trains of a relief structure (e.g. ROM).

However, Sugaya et al. does not disclose or suggest a recording unit having a multilayer structure of recording layers capable of recording information three-dimensionally, and from which can be reproduced information recorded on one of the recording layers through any of the other recording layer or layers. Rather, the structure and configuration used in Sugaya et al. to reproduce information would make it difficult at best to reproduce information recorded on one of recording layers through the other of the recording layers. Namely, in Sugaya et al. when a recording layer to be reproduced with information is changed from one recording layer to another recording layer, an optical disk would have to be positioned upside down to reproduce information on the other layer. For at least these reasons, Sugaya et al. fails to disclose or suggest a configuration for reproducing information recorded on one of recording layers through the other of the recording layers.

Moreover, claim 1 recites that the first semiconductor laser light source has a characteristic such that it emits the reproduction light in which an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components.

The Office Action indicates that Fig. 2 of Sugaya et al. shows that the reproduction light includes as its main component a polarized light component that is polarized perpendicular to the track direction of the information recording medium. Applicants respectfully disagree. To the contrary, Fig. 2 of Sugaya et al. shows a polarization beam splitter 24 is used only for a function of separating incident light. Thus, Sugaya et al. fails to disclose or suggest the relationship between a track direction and a polarization direction of a polarized light component of reproduction light. As such, Sugaya et al. also fails to disclose or suggest that an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components.

For at least the foregoing reasons, Sugaya et al. fails to disclose or suggest claim 1. Thus, claims 1-3 and 10-23 are patentable. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Regarding claims 24-40, these claims are directed to an optical information reproduction device, but where an optical component is provided along the optical path between the first semiconductor laser light source and the objective lens so as to switch the state of polarization of the reproduction light emitted from the first semiconductor laser light sources, whereby the amplitude of a polarized light component of the reproduction light that is polarized perpendicular to the track direction is caused to be greater than that of other polarized light components. Applicants respectfully submit that the art of record does not disclose or suggest claims 24-40. And for at least similar reasons as claim 1, claims 24-40 are patentable. Applicants respectfully request favorable consideration of these claims.

In view of the above amendments and remarks, Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.



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Respectfully submitted,

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